

Notice of Allowability

Application No.

09/977,698

Examiner

Camie S. Thompson

Applicant(s)

RENARD ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AfterFinal Amendment filed September 16, 2005.
2. ☒ The allowed claim(s) is/are 21-22, 29-32, 37-39, 42, 51-55, 58, 72-79.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/21/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 1774

1. Claims 21-22, 29-32, 37-39, 42, 51-55 and 72-79 are directed to an allowable product.

Pursuant to the procedures set forth in MPEP § 821.04(B), claim 58, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on October 3, 2003 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

Art Unit: 1774

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Rowland on August 21, 2007.

The application has been amended as follows: Delete the abstract and insert

- Laminated composite material usable to make articles of manufacture, such as boots or other sports articles in particular. The laminate is a new basic material particularly directed to articles of manufacture having drastic mechanical requirements and which are very inexpensive and lightweight. The laminate has a sandwich structure having a core between two layers. More particularly, the core and the two layers are composites, and at least a portion of the fibers of the core have a mechanical strength significantly lower than that of at least a portion of the fibers of one and/or the other layers. In a particular embodiment, the laminate has a thickness of 3 mm or less. The layers are sheets of carbon fabric embedded in an epoxy resin, and the core is made from non-woven polyamide micro-fibers having a thickness equal to 0.32 mm. The invention also relates to the manufacture of the laminate. - -
-
-

3. The following is an examiner's statement of reasons for allowance: The prior art does not provide for a laminate comprising two layers of a composite material containing fibers; a core

Art Unit: 1774

consisting essentially of a fiber-reinforced composite material wherein the core is positioned between the two layers; at least a portion of the fibers of the core have a mechanical strength lower than a mechanical strength of at least a portion of the fibers of at least one of the two layers; and the fibers of the core comprising a member selected from the groups consisting of synthetic fibers, natural fibers, cellulose fibers or a mixture thereof; the laminate having a total thickness e less than or equal to 3 mm; and the core having a thickness e_2 and the two layers have a total thickness $e_3 + e_4$ with a ratio between the thickness of the core and the total thickness of the two layers being defined as

$$e_2 / ((e_3 + e_4) / 2) \leq 5.$$

Additionally, the prior art does not provide for the laminate presented in present claim 74 wherein the fibers of the composite have a modulus M in longitudinal traction of less than or equal to 50,000 Mpa.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (571) 272-1530. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached at (571) 272-1398. The fax phone number for the Group is 571-273-8300.

Art Unit: 1774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MILTON I. CANO
SUPERVISORY PATENT EXAMINER